

REMARKS

Claims 1, 2, 11-16, 18, 19, 27 and 47-51 are now pending. By this Amendment, claims 1, 2, 11, 18, 19 and 27 are amended; claims 5, 7, 8, 10, 17, 20-26, 32, 34, 36-40 and 43-46 are canceled; and claims 47-51 are added. Support for the amendments can be found at, for example, page 22, line 4, to page 25, line 17, of the specification.

Applicants appreciate the indication that claims 1 and 2 are allowed. Claim 1 is amended herein to include an embodiment that was inadvertently deleted from the claims. However, it is respectfully submitted that claim 1 is still allowable. In addition, for the reasons discussed below, it is respectfully submitted that all of the claims are in condition for allowance.

I. Enablement

Claims 5, 7, 8, 10-26, 32, 34, 36-40 and 43-46 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 5, 7, 8, 10, 17, 20-26, 32, 34, 36-40 and 43-46 are canceled rendering the rejection of these claims moot. With regard to claims 11-16, 18 and 19, Applicants respectfully traverse the rejection.

Claims 11, 18 and 19 have been amended to depend from claim 47 rather than canceled claim 5. Claims 12-16 depend from claim 11.

Claim 5 was indicated to lack enablement based on the recitations of percent homology and "consisting essentially of." Claim 47 does not recite this language. Therefore, the bases for rejecting claim 5 for lacking enablement do not apply to claim 47.

Claim 47 and therefore claims 11-16, 18 and 19 are enabled by the present specification. Therefore, the enablement rejection should be withdrawn.

II. Written Description

Claims 5, 7, 8, 10-27, 32, 34, 36-40 and 43-46 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 5, 7, 8, 10, 17, 20-26, 32, 34, 36-40 and 43-46 have been canceled rendering the rejection of these claims moot. With regard to claims 11-16, 18, 19 and 27, Applicants respectfully traverse the rejection.

As discussed above, claims 11, 18 and 19 have been amended to depend from claim 47. Claims 12-16 depend from claim 11. The bases for rejecting claim 5 for lacking written description do not apply to new claim 47.

With regard to claim 27, it is clear from the specification, particularly at page 18, lines 1-8; page 4, lines 7-18; page 6, lines 13-15; page 7, lines 5-19; page 15, lines 12-25; and page 16, lines 5-14, that the inventors were in possession of the invention of claim 27. In addition, the Office Action provides no basis to reject claim 27.

Claims 27 and 47 and therefore claims 11-16, 18 and 19 are supported by the present specification. Therefore, the written description rejection should be withdrawn.

III. New Matter

Claims 45 and 46 are rejected under 35 U.S.C. §112, first paragraph. Claims 45 and 46 are canceled herein rendering the rejection of these claims moot.

IV. Indefiniteness

Claims 39 and 40 are rejected under 35 U.S.C. §112, second paragraph. Claims 39 and 40 are canceled herein rendering the rejection of these claims moot.

V. Cited Art

Claims 5, 7, 8, 11, 15, 17, 25, 26, 32, 39, 40, 43 and 44 are rejected under 35 U.S.C. §102 over Longo et al. Claims 5, 7, 8, 17, 25, 26, 32, 39, 40, 43 and 44 have been canceled rendering the rejection of these claims moot. With regard to claims 11 and 15, Applicants respectfully traverse the rejection.

Claim 11 has been amended to depend from new claim 47. Claim 15 depends from claim 11. Longo does not teach a probe according to claim 47. Therefore, the rejection over Longo should be withdrawn.

Claims 5, 7, 8, 11, 15, 17, 25, 26, 32, 39, 40 and 43-46 are rejected under 35 U.S.C. §102 over Brown et al. Claims 5, 7, 8, 17, 25, 26, 32, 39, 40 and 43-46 have been canceled rendering the rejection of these claims moot. With regard to claims 11 and 15, Applicants respectfully traverse the rejection.

As discussed above, claim 11 has been amended to depend from claim 47, and claim 15 depends from claim 11. As with Longo, Brown does not teach a probe according to claim 47. Therefore, the rejection over Brown should be withdrawn.

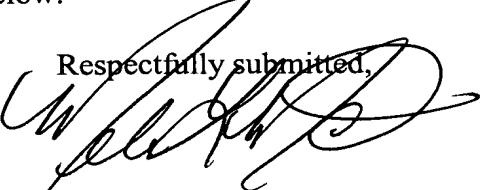
VI. New Claims

New claims 47-51 have been added herein. The rejections discussed above do not apply to claims 47-51 for at least the reasons discussed above.

VII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 11-16, 18, 19, 27 and 47-51 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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